

RESOLUTION NO. 20200521-038

WHEREAS, On March 6, 2020, the City of Austin issued a Declaration of Local Disaster that allows the City to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Austin residents; and

WHEREAS, hundreds of thousands of people have lost income or their jobs due to the local disaster and there are a limited number of teleworking jobs that are open and available; and

WHEREAS, Austin and the surrounding area must prioritize keeping hospitalizations low and preventing deaths; and

WHEREAS, ensuring that high risk workers are not exposed to COVID-19 will help limit the number of people who need to be hospitalized or die from the pandemic; and

WHEREAS, high risk workers include people who are over the age of 65 or who have an underlying health condition that causes them to be at a high risk of hospitalization and death due to COVID-19, and workers with people in their households who are over the age of 65 or have such underlying health conditions; and

WHEREAS, people who are unable to work from home, are lower income, or live in larger households are more likely to become infected with COVID-19; and

WHEREAS, communities of color, particularly Hispanic and Black communities, are becoming infected and hospitalized with COVID-19 at disproportionately high rates; and

WHEREAS, the City of Austin, recognizing from the start of the COVID-19 Pandemic that it would likely disproportionately impact communities of color due to a history of systemic racism and inequity, has consistently taken a proactive approach to mitigate for disparate impacts, including:

- requesting dis-aggregated data reporting on COVID-19 cases, testing, and hospitalizations as to clearly indicate disproportionate impacts to communities of color;
- establishing and allocating funding to the RISE Fund, prioritizing direct aid to vulnerable populations not receiving support from the federal CARES act;
- prohibiting non-essential construction so as to protect this important industry's workforce, which is largely made up of members of our Latino community (later pre-empted by the Governor's orders);
- requiring construction site worker protections, including face coverings, hand washing stations, and other protective measures;
- requiring face coverings for grocery store clerks, nursing home workers, and other essential employees;
- prohibiting evictions;
- commissioning The University of Texas to develop a model to project the health impacts of all construction being allowed per the Governor's revised orders;

- increasing COVID-19 testing and proximate testing sites to areas of the city with high concentrations of Latino and African American households so as to improve access to vulnerable residents;

WHEREAS, Congress passed an economic stimulus package called the Coronavirus Aid, Relief, and Economic Security (CARES) Act in March 2020; and

WHEREAS, the CARES Act expanded unemployment benefits for people who are unemployed through no fault of their own to be administered through state agencies; and

WHEREAS, people may apply with the Texas Workforce Commission to apply for unemployment benefits if they qualify for one of the following:

- Regular unemployment benefits for people who are unemployed through no fault of their own and meet work and wage requirements and any additional state requirements,
- Pandemic Unemployment Assistance (PUA) is for people who are self-employed, seeking part-time employment, or who otherwise would not qualify for regular unemployment compensation and are unemployed, partially unemployed, or unable or unavailable to work because of certain health or economic consequences of the COVID-19 pandemic,
- Pandemic Emergency Unemployment Compensation (PEUC) extends regular unemployment benefits by 13 weeks for those who have exhausted all rights to regular unemployment compensation under

state or federal law and who are able to work, available for work, and actively seeking work as defined by state law, and

- Federal Pandemic Unemployment Compensation program provides an additional \$600 per week to individuals who are collecting regular unemployment compensation; and

WHEREAS, people who have been advised by a healthcare provider to self-quarantine due to concerns about exposure or have been diagnosed with COVID-19 by a qualified medical professional, who do not have the illness, but have health complications may qualify for PUA; and

WHEREAS, the Texas Workforce Commission's eligibility guidelines for PUA include:

- At High Risk – People 65 years or older are at a higher risk for getting very sick from COVID-19,
- Household member at high risk – People 65 years or older are at a higher risk of getting very sick from COVID-19,
- Diagnosed with COVID - the individual has tested positive for COVID-19 by a source authorized by the State of Texas and is not recovered,
- Family member with COVID - anybody in the household has tested positive for COVID-19 by a source authorized by the State of Texas and is not recovered and 14 days have not yet passed,
- Quarantined – individual is currently in 14-day quarantine due to close contact exposure to COVID-19, and
- Child care – Child's school or daycare closed and no alternatives are available.

Any other situation will be subject to a case by case review by the Texas Workforce Commission based on individual circumstances; and

WHEREAS, Texas Governor Greg Abbott issued Executive Order No. GA-18 that reopened the following businesses on May 1, 2020: retail services, dine-in restaurant services, movie theaters, shopping malls, museums and libraries, services provided by an individual working alone in an office, golf course operations, and local government operations up to 25% of the total listed occupancy; and

WHEREAS, Texas Governor Greg Abbot issued Executive Order No. GA-21 to expand the list of reopened businesses to include wedding venues and reception services at 25% capacity; for cosmetology salons, hair salons, barber shops, nail salons and shops, tanning salons, and swimming pools (at 25% capacity) to reopen on May 8; and for small offices, manufacturing services, gyms, exercise facilities, and exercise classes to reopen on May 18 at 25% of the total listed occupancy; and

WHEREAS, Texas Governor Greg Abbott issued Executive Order No. GA-23 to further expand the list of reopened businesses to include massage establishments, all personal-care and beauty services, and child-care services other than youth camps to reopen immediately; dine-in restaurants (at 50% capacity), bars (at 50% capacity), aquariums and natural caverns (at 25% capacity), bowling

alleys/bingo halls/simulcast racing/skating rinks (at 25% capacity), rodeos and equestrian events (at 25% capacity), drive-in concerts, amateur sporting events to reopen on May 22; zoos (at 25% capacity) to reopen on May 29; and professional sports, youth camps, and youth sports programs practices to reopen on May 31.

WHEREAS, with more and more businesses reopening, high-risk workers who do not qualify for unemployment benefits may be forced to work jobs that put their lives at risk which will increase hospitalizations and deaths; and

WHEREAS, the Families First Coronavirus Relief Act (FFCRA) generally requires employers with fewer than 500 employees to provide paid sick time to workers with COVID-19 symptoms, to workers whose families have COVID-19 symptoms, and to workers lacking childcare because of the disaster; and

WHEREAS, workers may be reluctant to get tested for COVID-19 if they are unaware of their rights or available benefits, or if they fear retaliation from their employers: and

WHEREAS, a critical part of Austin's COVID-19 public health strategy is to ensure that all workers stay home if they feel sick or if their household is sick;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Manager is directed to establish a unified city strategy for high-risk workers. High-risk workers are those who are most likely to be hospitalized if they

are infected with COVID-19, or are those workers who have members of their household who face such risks.

Such a strategy could include, but would not be limited to, efforts to:

- ensure all employers are keeping high-risk workers at home through telework, or at the bare minimum, are moving those workers into isolated work settings with the lowest risk of interaction with COVID carriers,
- ensure all high-risk workers are able to advocate for telework and safe work conditions,
- ensure all high-risk workers are connected to unemployment insurance and PUA as needed and as applicable, and
- ensure high-risk workers that do not qualify for PUA or unemployment benefits (and who cannot be moved to a safe work environment such as telework) are connected with telework jobs or social and economic supports.

Other actions may include:

- prioritizing COVID-19 response funds or other COVID-19 relief funds,
- providing direct financial assistance to those high-risk workers with no other options,
- creating materials (e.g., posters, check-lists, resource guides) and educating workers and employers of their options, and
- establishing (internally or externally) a high-risk worker resource center that could assist high-risk workers with their options, including:
 - education and advice on worker rights, including paid sick time requirements,

- advocating to employers that they not put high-risk workers into harm's way,
- where and how to file complaints of employer violations,
- training for and applying for teleworking jobs,
- applying for unemployment benefits or PUA,
- applying for existing social services and direct financial assistance for COVID-19 relief,
- establishing requirements or processes for city contractors with high-risk workers in Austin, and
- other resources that may apply.

The City Manager should consult with other cities and counties, medical experts, experts in unemployment benefits, and service providers.

BE IT FURTHER RESOLVED:

In order to ensure all workers with COVID-19 symptoms, or workers with households with COVID-19 symptoms, stay home, the City Manager is directed to also establish rules, strategies, and/or programs to:

- ensure all workers know their rights under the FFCRA,
- ensure all workers feel confident being tested for COVID-19, whether or not they have access to paid sick time, and
- assist and advocate for workers to apply for the sick time they are due, and to provide protections and support to workers that face retaliation or who are denied sick time. The City Manager should consider providing this assistance and support as part of our COVID-19 testing process and our COVID-19 tracing process.

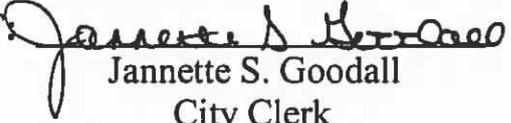
BE IT FURTHER RESOLVED:

The City Manager is directed to consider assisting with:

- helping ensure all workers, regardless of underlying condition or age, do not have to work in conditions that violate COVID-19 safety guidelines, and
- helping ensure all workers can speak out without retaliation about working conditions that violate COVID-19 safety guidelines, and
- helping ensure workplaces have the technical assistance and resources to adapt their workplaces to maintain COVID-19 safety guidelines.

BE IT FURTHER RESOLVED:

The City Manager is directed to report back to City Council with policy and budget recommendations by June 2, 2020. The City Manager shall engage community task force meetings, open to the public, to address the issues, the implementation, and the challenges faced by high risk populations and disproportionately affected communities, as identified in the Resolution. The City Council recognizes that the City of Austin faces legal limits in achieving all its worker safety and worker rights goals, and the Council asks the Manager to be as creative and thorough as possible within the City's legal authority.

ADOPTED: May 21, 2020 **ATTEST:** 
Jannette S. Goodall
City Clerk